

Exhibit 1

Index of Matters Being Filed and List of All Counsel of Record

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

ABELARDO RODRIGUEZ

Plaintiff,

v.

**NORMAN BRUCE UNGER
AND PEARL TRANSPORT, INC.**

Defendant.

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C.A. NO. _____

**INDEX OF MATTERS BEING FILED
AND LIST OF ALL COUNSEL OF RECORD**

Defendants Norman Bruce Unger and Pearl Transport, Inc. ("Defendants") submit this *Index of Matters Being Filed and List of All Counsel of Record* pursuant to Local Rule 81 of the United States District Court for the Southern District of Texas. Pursuant to the Local Rule 81, the following items are being filed with the *Notice of Removal* filed by Defendants:

1. *Index of Matters Being Filed and List of All Counsel of Record;*
2. Copies of all executed process, pleadings asserting causes of action and all orders signed by the state judge as follows:
 - A. Plaintiffs' Original Petition;
 - B. Affidavits showing service of process; and
 - C. Defendant Norman Bruce Unger's Original Answer
 - D. Defendant Pearl Transport, Inc's Original Answer

ABELARDO RODRIGUEZ
VS.
PEARL TRANSPORT, INC.

3. A copy of the state court docket sheet.
4. Letter from Plaintiff's counsel dated April 30, 2015 which expressly states that Plaintiff's medical expenses alone will exceed more than \$75,000.00.
5. The parties' respective attorneys are as follows:

A. ATTORNEYS FOR PLAINTIFFS:

R. Todd Elias
Gordon, Elias & Seely, L.L.P.
1811 Bering Drive, Suite 300
Houston, Texas 77057
(713) 668-9999 – Phone
(713) 668-1980 - Fax
rtelias@geslawfirm.com

David H. Square
Square Law Group
302 Kings Hwy, Suite 103
Brownsville, Texas 78521
(956) 621-4632 – Phone
(956) 621-4633 – Fax
dhsquaren@yahoo.com

B. ATTORNEYS FOR DEFENDANTS:

Mike Mills
ATLAS & HALL, L.L.P.
818 Pecan Ave. (Zip: 78501)
P.O. Box 3725
McAllen, Texas 78502
(956) 682-5501 – Phone
(956) 686-6109 – Fax
mkmills@atlashall.com

Dated: February 17, 2016.

Exhibit 2-A

Plaintiff's Original Petition

CAUSE NO. C-0118-16-EABELARDO RODRIGUEZ
PLAINTIFF,

VS.

NORMAN BRUCE UNGER AND
PEARL TRANSPORT, INC.
DEFENDANT§
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IN THE DISTRICT COURT OF

HIDALGO COUNTY, TEXAS

____ JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Abelardo Rodriguez, Plaintiff in the above entitled and numbered cause, complaining of and against Norman Bruce Unger and Pearl Transport, Inc., Defendants herein, and for cause of action would respectfully show unto the Court and Jury the following:

A. DISCOVERY CONTROL PLAN

1. Plaintiff intends to conduct discovery under Level 2 pursuant to Rule 190.3 of the TRCP.

B. PARTIES

2. Plaintiff, Abelardo Rodriguez, Texas Driver's License # *****226 is a resident of Hidalgo County, Texas.
3. Defendant, Norman Bruce Unger, is an individual who is a resident of St. Anne, Manitoba, Canada, and lives at 31028 Road 43 N, Ste Anne, Manitoba, Canada, and may be served with process through Carlos H. Cascos, Texas Secretary of State, P.O. Box 12079, Austin, Texas 78711-2079. This nonresident individual availed himself of Texas jurisdiction by doing business in the state of Texas.
4. Defendant, Pearl Transport, Inc. is a Canadian corporation, 27037 Prairie Rose Road, Landmark, Manitoba, Canada, and may be served with process through Tryon D. Lewis,

DATE 02/17/16

A true copy I certify
LAURA HINOJOSA
District Clerk, Hidalgo County, Texas
By [Signature] Deputy #22

C-0118-16-E

Chairman of the Texas Transportation Commission at 125 E. 11th Street, Austin, Texas 78701-2483. This nonresident corporation availed itself of Texas jurisdiction by doing business in the state of Texas.

C. JURISDICTION AND VENUE

5. This Court has jurisdiction over all of the parties and the subject matter involved in this litigation.

6. Venue is proper in Hidalgo County, Texas pursuant to §15.002(a)(2) of the Texas Civil Practice and Remedies Code, as Hidalgo County, Texas is the county in which Plaintiff, Abelardo Rodriguez resides and in which the incident the subject of this lawsuit took place.

D. FACTS

7. On or about February 18, 2014 Defendant, Norman Bruce Unger negligently and carelessly made an unsafe turn and unexpectedly struck Plaintiff, Abelardo Rodriguez's vehicle. Plaintiff Abelardo Rodriguez will show that his physical injuries and damages were directly and proximately caused by Defendant, Norman Bruce Unger's negligence while in the scope of his employment with Defendant, Pearl Transport, Inc.

8. As a direct and proximate result of this collision, Plaintiff Abelardo Rodriguez suffered physical injuries and resulting damages in an amount in excess of the minimum jurisdictional limits of this court, which were directly and proximately caused by Defendant

E. NEGLIGENCE

9. At the time of the incident, Norman Bruce Unger was operating his vehicle in a negligent and careless manner. Defendant, Norman Bruce Unger had a duty to exercise ordinary care and operate his vehicle reasonably and prudently. Defendant, Norman Bruce Unger breached that duty in one or more of the following ways:

C-0118-16-E

- a. Failing to maintain a proper lookout;
- b. Failing to take evasive action to avoid the collision in question;
- c. Colliding with Plaintiff's vehicle;
- d. Failing to yield the right of way;
- e. Driver inattention;
- f. Other acts and/or omissions which may be shown at the time of trial.
- g. Failure to maintain proper control of his vehicle; and
- h. Operating his vehicle in a reckless manner.

10. Each of the above acts and/or omissions, singularly or in combination with others, was negligent. Such negligent acts or failure to act proximately caused the collision made the basis of this lawsuit and Plaintiff's injuries and damages as described below.

14. Plaintiff, Abelardo Rodriguez will show that at the time of the collision, Defendant, Norman Unger was acting within the course and scope of his employment with Pearl Transport, Inc. Therefore, Defendant, Pearl Transport, Inc. is vicariously liable to Plaintiff, Abelardo Rodriguez under the theory of Respondeat Superior.

F. NEGLIGENCE PER SE

15. Plaintiff, Abelardo Rodriguez will further show that Defendant, Norman Bruce Unger's actions and/or inactions constitute negligence per se. Specifically, Defendant, Norman Bruce Unger's violated Sections 545.101 (a)(b)(1)(2)(c) and 545.103 of the Texas Transportation Code.

16. Each of the above acts and/or omissions, singularly or in combination with others, was negligent. Such negligent acts or failure to act proximately caused the collision made the basis of this lawsuit and Plaintiff's injuries and damages as described below.

C-0118-16-E

G. DAMAGES

17. Defendants' negligence was the direct and proximate cause of the occurrence and of the following injuries and damages suffered by Plaintiff:

- a. Plaintiff has been forced to incur reasonable and necessary medical expenses in the past, and, in all reasonable medical probability, will incur reasonable and necessary medical expenses in the future;
- b. Plaintiff has endured physical pain and suffering in the past, and, in all reasonable probability, will continue to suffer physical pain in the future;
- c. Plaintiff has suffered physical impairment in the past and, in all reasonable probability, will continue to suffer physical impairment in the future;
- d. Plaintiff has suffered physical disfigurement in the past and, in all reasonable probability, will continue to suffer physical disfigurement in the future;
- e. Plaintiff has sustained a loss of wages in the past and/or loss of earning capacity in the past and, in all reasonable probability, will continue to sustain a loss of earning capacity in the future; and,
- f. Plaintiff has suffered mental anguish in the past and, in all reasonable probability, will continue to suffer mental anguish in the future.

18. To the extent Plaintiff suffered from any pre-existing conditions, if any, Plaintiff would show that such pre-existing conditions were aggravated by the occurrence in question.

19. Plaintiff demands a jury trial and tenders the appropriate fee with this petition.

H. REQUEST FOR DISCLOSURE

20. Pursuant to Rule 194 of the Texas Rules of Civil Procedure, each Defendant is requested to disclose, within fifty (50) days after service of this request upon each Defendant, the information or material described in Rule 194.2 (a) through (l).

21. WHEREFORE, PREMISES CONSIDERED, Plaintiff prays Defendant, Norman Bruce Unger's and Defendant, Pearl Transport, Inc. be cited to appear and answer herein, and that upon final trial hereof, Plaintiff recovers from Defendant, Norman Bruce Unger's and Defendant, Pearl

C-0118-16-E

Transport, Inc. a sum within the jurisdictional limits of the Court, costs of Court, pre-judgment and post-judgment interest at the legal rate, and for any and all further relief, both general and special, legal and equitable to which Plaintiff may be justly entitled.

Respectfully submitted,

GORDON, ELIAS & SEELY, L.L.P.

By: /s/ R. Todd Elias

R. Todd Elias
SBN: 00787427
1811 Bering Drive, Suite 300
Houston, Texas 77057
(713) 668-9999
Facsimile: (713) 668-1980
rtelias@geslawfirm.com

and

David H. Square
SBN: 24076013
Square Law Group
302 Kings Hwy, Suite 103
Brownsville, Texas 78521
(956) 621-4632 – Telephone
(956) 621-4633 – Facsimile
dhsquaren@yahoo.com

ATTORNEYS FOR PLAINTIFF

Exhibit 2-B

Affidavits showing service of process

C-0118-16-E
275TH DISTRICT COURT, HIDALGO COUNTY, TEXAS

CITATION

STATE OF TEXAS

NOTICE TO DEFENDANT: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty (20) days after you were served with this citation and petition, a default judgment may be taken against you.

Norman Bruce Unger
31028 Road 43 N
Ste Anne, Manitoba, Canada
May Be Served With Process Through Carlos H. Cascos
Texas Secretary Of State
PO Box 12079
Austin TX 11-2079

You are hereby commanded to appear by filing a written answer to the **PLAINTIFFS' ORIGINAL PETITION AND REQUEST FOR DISCLOSURE** on or before 10:00 o'clock a.m. on the Monday next after the expiration of twenty (20) days after the date of service hereof, before the **Honorable Juan Partida, 275th District Court** of Hidalgo County, Texas at the Courthouse at 100 North Closner, Edinburg, Texas 78539.

Said petition was filed on the on this the 8th day of January, 2016 and a copy of same accompanies this citation. The file number and style of said suit being C-0118-16-E, **ABELARDO RODRIGUEZ VS. NORMAN BRUCE UNGER AND PEARL TRANSPORT, INC.**

Said Petition was filed in said court by R. TODD ELIAS, 5821 SW FREEWAY STE 422 HOUSTON TX 77057.

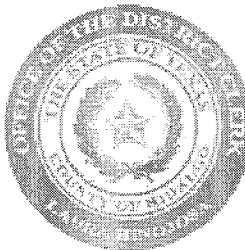
The nature of the demand is fully shown by a true and correct copy of the petition accompanying this citation and made a part hereof.

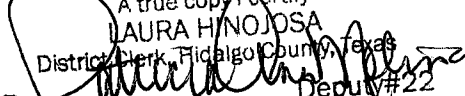
The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

ISSUED AND GIVEN UNDER MY HAND AND SEAL of said Court at Edinburg, Texas on this the 11th day of January, 2016.

LAURA HINOJOSA, DISTRICT CLERK
HIDALGO COUNTY, TEXAS


PATRICIA MOLINA, DEPUTY CLERK



DATE 02/17/16
A true copy I certify
LAURA HINOJOSA
District Clerk, Hidalgo County, Texas
By  Deputy #22

C-0118-16-E
OFFICER'S RETURN

Came to hand on ____ of _____, 201____ at ____ o'clock ____m. and executed in _____ County, Texas by delivering to each of the within named Defendant in person, a true copy of this citation, upon which I endorsed the date of delivery to said Defendant together with the accompanying copy of the _____ (petition) at the following times and places, to-wit:

NAME	DATE	TIME	PLACE

And not executed as to the defendant, _____ the diligence used in finding said defendant, being: _____ and the cause of failure to execute this process is: _____ and the information received as to the whereabouts of said defendant, being: _____. I actually and necessarily traveled _____ miles in the service of this citation, in addition to any other mileage I may have traveled in the service of other process in the same case during the same trip.

Fees: serving ... copy(s) \$ _____
miles\$ _____

DEPUTY

**COMPLETE IF YOU ARE PERSON OTHER THAN A SHERIFF,
CONSTABLE OR CLERK OF THE COURT**

In accordance to Rule 107, the officer or authorized person who serves or attempts to serve a citation must sign the return. If the return is signed by a person other than a sheriff, constable or the clerk of the court, the return must either be verified or be signed under the penalty of perjury. A return signed under penalty of perjury must contain the statement below in substantially the following form:

"My name is _____, my date of birth is _____ and the address is _____, and I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED in _____ County, State of Texas, on the ____ day of _____, 201____.

Declarant"

If Certified by the Supreme Court of Texas
Date of Expiration / SCH Number

275th District Court of HIDALGO County, Texas
100 N. CLOSNER, 2ND FLOOR EDINBURG TX 78539

CASE #: C-0118-16-E

ABELARDO RODRIGUEZ

Plaintiff

vs

NORMAN BRUCE UNGER AND PEARL TRANSPORT, INC.

Defendant

AFFIDAVIT OF SERVICE

I, FLOYD J BOUDREAUX, make statement to the fact;
That I am a competent person more than 18 years of age or older and not a party to this action, nor interested in outcome of the suit. That I received the documents stated below on 01/19/16 10:50 am, instructing for same to be delivered upon Unger, Norman Bruce, By Delivering To The Secretary Of State By Delivering To.

That I delivered to : Unger, Norman Bruce, By Delivering To The Secretary Of State By
: Delivering To. By Delivering to Venita Okpegbue, Citation
: Receiver

the following : CITATION; PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE

at this address : 1019 Brazos STE. 105
: Austin, Travis County, TX 78701

Manner of Delivery : by PERSONALLY delivering the document(s) to the person above.

Delivered on : JAN 19, 2016 11:40 am

My name is FLOYD J BOUDREAUX, my date of birth is JAN 10th, 1943, and my address is Professional Civil Process Downtown, 2211 S. IH 35, Suite 203, Austin TX 78741, and U.S.A. I declare under penalty of perjury that the foregoing is true and correct. Executed in Travis County, State of Texas, on the 19 day of

JAN, 2016.


FLOYD J BOUDREAUX
381
Declarant

Texas Certification#: SCH-3506 Exp. 02/28/17

Private Process Server

Professional Civil Process Of Texas, Inc

103 Vista View Trail Spicewood TX 78669

(512) 477-3500

PCP Inv#: Z16100070

SO Inv#: A16101950



AX02A16101950

tomcat

+ Service Fee: 125.00

Witness Fee: .00

Mileage Fee: .00

DATE 02/17/16 Elias R. Todd

A true copy I certify
LAURA HINOJOSA
District Clerk Hidalgo County, Texas

By  Deputy #22

E-FILE RETURN

Electronically Filed
1/19/2016 5:30:51 PM
Hidalgo County District Clerks
Reviewed By: Jennifer Sinder

Use this form to scan the Original Citation, without the service documents.

This court is set to merge the
Court: Laura Hinojosa



AX67A16101950

C-0118-16-E
275TH DISTRICT COURT, HIDALGO COUNTY, TEXAS

CITATION

STATE OF TEXAS

NOTICE TO DEFENDANT: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty (20) days after you were served with this citation and petition, a default judgment may be taken against you.

Pearl Transport, Inc.
27037 Prairie Rose Road
Landmark, Manitoba, Canada
May Be Served With Process Through Tryon D. Lewis
Chairman Of The Texas Transportation Commission
125 E 11th Street
Austin TX 78701-2483

You are hereby commanded to appear by filing a written answer to the **PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE** on or before 10:00 o'clock a.m. on the Monday next after the expiration of twenty (20) days after the date of service hereof, before the **Honorable Juan Partida, 275th District Court** of Hidalgo County, Texas at the Courthouse at 100 North Closner, Edinburg, Texas 78539.

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Said Petition was filed in said court by R. TODD ELIAS, 5821 SW FREEWAY STE 422 HOUSTON TX 77057.

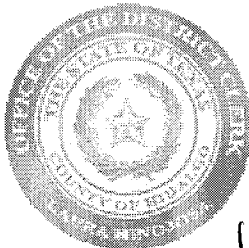
The nature of the demand is fully shown by a true and correct copy of the petition accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

ISSUED AND GIVEN UNDER MY HAND AND SEAL of said Court at Edinburg, Texas on this the 11th day of January, 2016.

LAURA HINOJOSA, DISTRICT CLERK
HIDALGO COUNTY, TEXAS

Patricia Ann Molina
PATRICIA MOLINA, DEPUTY CLERK



DATE

02/17/16
A true copy I certify

LAURA HINOJOSA

District Clerk, Hidalgo County, Texas

By

Patricia Ann Molina
Deputy # 22

C-0118-16-E
OFFICER'S RETURN

Came to hand on ____ of _____, 201____ at ____ o'clock ____m. and executed in _____ County, Texas by delivering to each of the within named Defendant in person, a true copy of this citation, upon which I endorsed the date of delivery to said Defendant together with the accompanying copy of the _____ (petition) at the following times and places, to-wit:

NAME	DATE	TIME	PLACE

And not executed as to the defendant, _____ the diligence used in finding said defendant, being: _____ and the cause of failure to execute this process is: _____ and the information received as to the whereabouts of said defendant, being: _____. I actually and necessarily traveled _____ miles in the service of this citation, in addition to any other mileage I may have traveled in the service of other process in the same case during the same trip.

Fees: serving ... copy(s) \$ _____
 miles\$ _____

DEPUTY

**COMPLETE IF YOU ARE PERSON OTHER THAN A SHERIFF,
 CONSTABLE OR CLERK OF THE COURT**

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"My name is _____, my date of birth is _____ and the address is _____, and I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED in _____ County, State of Texas, on the ____ day of _____, 201____.

Declarant"

If Certified by the Supreme Court of Texas
Date of Expiration / SCH Number

275th District Court of HIDALGO County, Texas
100 N. CLOSNER, 2ND FLOOR EDINBURG TX 78539

CASE #: C-0118-16-E

ABELARDO RODRIGUEZ

Plaintiff

vs

NORMAN BRUCE UNGER AND PEARL TRANSPORT, INC.

Defendant

AFFIDAVIT OF SERVICE

I, FLOYD J BOUDREAUX, make statement to the fact;
That I am a competent person more than 18 years of age or older and not a party to
this action, nor interested in outcome of the suit. That I received the documents
stated below on 01/19/16 10:50 am, instructing for same to be delivered upon Pearl
Transport, Inc., By Delivering To The Secretary Of State By Delivering To.

That I delivered to : Pearl Transport, Inc., By Delivering To The Secretary Of State By
: Delivering To. By Delivering to Venita Okpegbue, Citation
: Receiver

the following : CITATION; PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE


at this address : 1019 Brazos STE. 105
: Austin, Travis County, TX 78701

Manner of Delivery : by PERSONALLY delivering the document(s) to the person above.

Delivered on : JAN 19, 2016 11:40 am

My name is FLOYD J BOUDREAUX, my date of birth is JAN 10th, 1943, and my address is
Professional Civil Process Downtown, 2211 S. IH 35, Suite 203, Austin TX 78741, and
U.S.A. I declare under penalty of perjury that the foregoing is true and correct.
Executed in Travis County, State of Texas, on the 19 day of

JAN, 2016.


FLOYD J BOUDREAUX
381
Declarant

Texas Certification#: SCH-3506 Exp. 02/28/17

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(512) 477-3500

PCP Inv#: Z16100071
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AX02A16101952

tomcat

+ Service Fee: 125.00
Witness Fee: .00
Mileage Fee: .00

DATE 02/19/16 Elias, R. Todd

A true copy I certify
LAURA NINOJOSA
District Clerk, Hidalgo County, Texas

By  Deputy #22

E-FILE RETURN

Electronically Filed
1/19/2016 5:31:08 PM
Hidalgo County District Clerks
Reviewed By: Jennifer Sinder

Use this form to scan the Original Citation, without the service documents.

This court is set to merge the
Court: Laura Hinojosa



AX67A16101952

Exhibit 2-C

Defendant Norman Bruce Unger's Original Answer

CAUSE NO. C-0118-16-E

ABELARDO RODRIGUEZ	§	IN THE DISTRICT COURT
	§	
V.	§	OF HIDALGO COUNTY, TEXAS
	§	
NORMAN BRUCE UNGER and	§	
PEARL TRANSPORT, INC.	§	275 TH JUDICIAL DISTRICT

ORIGINAL ANSWER OF DEFENDANT NORMAN BRUCE UNGER

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES NORMAN BRUCE UNGER, a Defendant in the above entitled and numbered cause, and files this his Original Answer in reply to Plaintiff's Original Petition on file herein, and for such Answer would respectfully show unto the Court the following:

I.

Reserving the right to file other and further pleadings, exceptions and denials, this Defendant denies each and every material allegation contained in Plaintiff's Original Petition and demands strict proof thereof in accordance with the laws and the Rules of Civil Procedure of the State of Texas.

II.

This Defendant relies on the provisions of CPRC 41.0105 with regard to paid and incurred medical services.

III.

This Defendant would respectfully invoke the applicable provisions of Chapter 18.091 of the Texas Civil Practice & Remedies Code regarding Plaintiff's claims for lost earnings, earning capacity, or contribution of a pecuniary value.

IV.

Defendant NORMAN BRUCE UNGER demands a trial by jury, and herewith

DATE 02/17/16
A true copy I certify
LAURA NINO JOSA
District Clerk, Hidalgo County, Texas
By [Signature] Deputy #22

tenders the required jury fee.

WHEREFORE, PREMISES CONSIDERED, Defendant NORMAN BRUCE UNGER prays that Plaintiff take nothing and that this Defendant go hence with his costs without day.

Respectfully submitted,

ATLAS, HALL & RODRIGUEZ, L.L.P.
P. O. Box 3725
McAllen, Texas 78502
Tel. (956) 682-5501
Fax (956) 686-6109

By: 

Mike Mills
State Bar No. 14163500
mkmills@atlashall.com
ATTORNEYS FOR DEFENDANT
NORMAN BRUCE UNGER

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing document has been mailed, certified mail, return receipt requested, to all counsel of record on this 12th day of February, 2016.

R. Todd Elias
GORDON, ELIAS & SEELY, L.L.P.
1811 Bering Drive, Suite 300
Houston, Texas 77057
rtelias@geslawfirm.com

David H. Square
SQUARE LAW GROUP
302 Kings Highway, Suite 103
Brownsville, Texas 78521
dhsquare@yahoo.com


Mike Mills

Exhibit 2-D

Defendant Pearl Transport, Inc.'s Original Answer

CAUSE NO. C-0118-16-E

ABELARDO RODRIGUEZ
V.
NORMAN BRUCE UNGER and
PEARL TRANSPORT, INC.

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IN THE DISTRICT COURT
OF HIDALGO COUNTY, TEXAS
275TH JUDICIAL DISTRICT

ORIGINAL ANSWER OF DEFENDANT PEARL TRANSPORT, INC.

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES PEARL TRANSPORT, INC., a Defendant in the above entitled and numbered cause, and files this its Original Answer in reply to Plaintiff's Original Petition on file herein, and for such Answer would respectfully show unto the Court the following:

I.

Reserving the right to file other and further pleadings, exceptions and denials, this Defendant denies each and every material allegation contained in Plaintiff's Original Petition and demands strict proof thereof in accordance with the laws and the Rules of Civil Procedure of the State of Texas.

II.

This Defendant relies on the provisions of CPRC 41.0105 with regard to paid and incurred medical services.

III.

This Defendant would respectfully invoke the applicable provisions of Chapter 18.091 of the Texas Civil Practice & Remedies Code regarding Plaintiff's claims for lost earnings, earning capacity, or contribution of a pecuniary value.

WHEREFORE, PREMISES CONSIDERED, Defendant PEARL TRANSPORT,

DATE 02/17/16
A true copy I certify
LAURA HINOJOSA
District Clerk, Hidalgo County, Texas
By [Signature] Deputy #22

INC. prays that Plaintiff take nothing and that this Defendant go hence with its costs without day.

Respectfully submitted,

ATLAS, HALL & RODRIGUEZ, L.L.P.
P. O. Box 3725
McAllen, Texas 78502
Tel. (956) 682-5501
Fax (956) 686-6109

By: 

Mike Mills
State Bar No. 14163500
mkmills@atlashall.com
ATTORNEYS FOR DEFENDANT
PEARL TRANSPORT, INC.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing document has been mailed, certified mail, return receipt requested, to all counsel of record on this 16th day of February, 2016.

R. Todd Elias
GORDON, ELIAS & SEELY, L.L.P.
1811 Bering Drive, Suite 300
Houston, Texas 77057
rtelias@geslawfirm.com

David H. Square
SQUARE LAW GROUP
302 Kings Highway, Suite 103
Brownsville, Texas 78521
dhsquare@yahoo.com



Mike Mills

Exhibit 3

State Court Docket

CASE SUMMARY **CASE NO. C-0118-16-E**

Abelardo Rodriguez
VS.
Norman Bruce Unger and Pearl Transport, Inc.

§
§
§
§

Location: **275th District Court**
Judicial Officer: **Partida, Juan**
Filed on: **01/08/2016**

CASE INFORMATION

Case Type: **Injury or Damage - Motor Vehicle (OCA)**

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number C-0118-16-E
Court 275th District Court
Date Assigned 01/08/2016
Judicial Officer Partida, Juan

PARTY INFORMATION

Plaintiff	Rodriguez, Abelardo	<i>Lead Attorneys</i> ELIAS, R. TODD <i>Retained</i> 713-668-9999(W)
Defendant	Pearl Transport, Inc.	MILLS, MIKE <i>Retained</i> 956-682-5501(W)
	Unger, Norman Bruce	MILLS, MIKE <i>Retained</i> 956-682-5501(W)

DATE

EVENTS & ORDERS OF THE COURT

INDEX

02/16/2016	Answer Party: Defendant Pearl Transport, Inc. <i>Original Answer of Defendant Pearl Transport, Inc.</i>
02/12/2016	Answer Party: Defendant Unger, Norman Bruce <i>Original Answer of Defendant Norman Bruce Unger</i>
01/28/2016	Service Returned <i>Affidavit</i>
01/19/2016	Service Returned <i>Affidavit</i>
01/19/2016	Service Returned <i>Affidavit</i>
01/11/2016	Service Issued CITATION-NORMAN BRUCE UNGER, PEARL TRANSPORT, INC
01/11/2016	Citation

DATE 02/17/16

A true copy, I certify

LAURA HINOJOSA
District Clerk, Hidalgo County, Texas

By

Printed on 02/17/2016 at 1:36 PM

275th District Court
CASE SUMMARY
CASE NO. C-0118-16-E




01/08/2016	 Unger, Norman Bruce Served: 01/19/2016  Pearl Transport, Inc. Served: 01/19/2016 <i>ESERVED: CGAITAN@GESLAWFIRM.COM</i>  Original Petition (OCA) <i>Plaintiff's Original Petition and Request for Disclosure</i>	
DATE	FINANCIAL INFORMATION	
	Defendant Pearl Transport, Inc. Total Charges Total Payments and Credits Balance Due as of 2/17/2016	 2.00 2.00 0.00
	Defendant Unger, Norman Bruce Total Charges Total Payments and Credits Balance Due as of 2/17/2016	 42.00 42.00 0.00
	Plaintiff Rodriguez, Abelardo Total Charges Total Payments and Credits Balance Due as of 2/17/2016	 316.00 316.00 0.00

Exhibit 4

Letter from Plaintiff's counsel dated April 30, 2015



SQUARE LAW GROUP, PLLC

P.O. Box 5302

Brownsville, Texas 78523

Phone (956)621-4632

Fax (956)621-4633

April 30, 2015

Heather Yewdall
Senior Injury Claims Adjuster
Manitoba Public Insurance
P.O. Box 6300
Winnipeg, MB R3C 4A4

RE:

Your Insured: Pearl Transport Incorporated
Date of Loss: February 18, 2014
Claim No.: 1034325343
Client: Abelardo Rodriguez

Dear Ms. Yewdall,

Please be advised that Abelardo Rodriguez has retained me to assist him in concluding his cause of action for an accident that occurred on about February 18, 2014.

Enclosed for your consideration are the following itemized expenses for Abelardo Rodriguez:

1	Khit Chiropractic & Wellness Center	\$	5,201.00
2	Insight Diagnostic & Imaging Center	\$	2,400.00
3	Express Occupational Medicine Clinic	\$	400.00
4	Jorge Saenz, M.D. P.A.	\$	450.00
5	Northshore Orthopedics	\$	1,555.00
6	Spine Pain Management, Inc.	\$	8,997.00
7	Hammami Imaging & Associates	\$	2,500.00
8	Orthopaedic Institute for Spinal Disorders	\$	550.00
9	Proposed Procedure: Cervical Spine	\$	101,418.00
TOTAL		\$	123,471.00

Assuming you are in accord with the liability issue, I am enclosing the medical reports that show the serious injuries sustained by Abelardo Rodriguez.

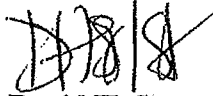
My client has authorized me to settle his cause of action for policy limits. In view of the substantial injuries confirmed by the above-mentioned medical providers there can be no justification for not settling the case for the insured policy limits. Notwithstanding, I make this offer in good faith and in order to avoid further unnecessary delay and the expense of trial. In

VIA E-MAIL: hyewdall@mpi.mb.ca

the event that your company fails to accept this compromise offer, and a judgment is rendered in excess of your offer, we will expect the insurance carrier to either pay the excess or take whatever action or steps are available to him under the law to see to it that the judgment is satisfied.

I am hopeful that this matter can be amiably and expeditiously disposed of in a manner satisfactory to all. I shall await your reply within the next twenty (20) days.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'DHS' followed by a stylized flourish.

David H. Square
Attorney at Law

DHS/sf

VIA E-MAIL: hyewdall@mpi.mb.ca